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STATE CAPITOL
PHOENIX, ARIZONA

January 11, 1972

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ARIZONA ATTORNEY GENERAL

DEPARTMENT OF LAW LETTER OPINION NO. 72-6-L (R-19)

REQUESTED BY: THE HONORABLE J. MICHAEL FLOURNOY
Coconino County Attorney

- QUESTIONS:
1. May the county utilize the Coconino Community Guidance Clinic in order to make a preliminary determination as to a prisoner's mental condition?
 2. If the Clinic is so utilized, can the examination be conducted by a psychologist or social worker who is not a medical doctor?
 3. May Coconino County pay fees to the Coconino Community Guidance Clinic for such services?
 4. Out of what budget item should they come?

- ANSWERS:
1. Yes.
 2. Yes.
 3. Yes.
 4. See body of opinion.

The Arizona Supreme Court has held that the Board of Supervisors of a county has the sole and exclusive authority to provide for the hospitalization and medical care of the indigent sick in the county under A.R.S. § 11-291, and this is a mandatory duty. Industrial Commission v. Navajo County, 64 Ariz. 172, 167 P.2d 113; Hernandez v. County of Yuma, 91 Ariz. 35, 369 P.2d 271. Sickness (or illness) is defined in Black's Law Dictionary, Fourth Edition, as:

"Disease; malady; any morbid condition of the body (including insanity) which, for the time being, hinders or prevents the organs from normally discharging their several functions." (Emphasis added.)

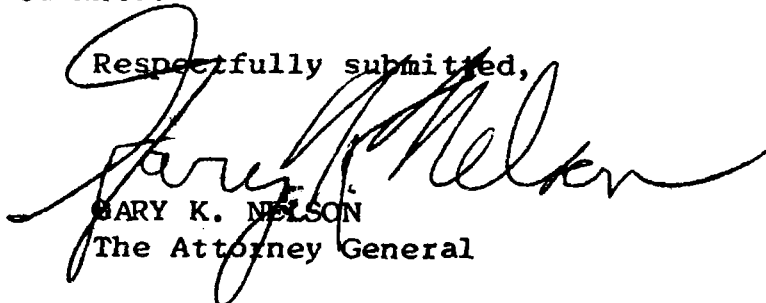
We can, therefore, conclude that the duty of the county boards of supervisors to provide medical attendance for the indigent ill includes those who are mentally ill. Cf. Attorney General Opinions No. 61-22 and No. 71-19. Moreover, A.R.S. § 11-441.5 provides that the Sheriff shall: "Take charge of and keep the county jail and the prisoners therein."

Statutory duties in words such as these have almost universally been construed to include reasonable care for the health of the inmate. Thus, we answer your first three questions with an unqualified "yes".

As to the question as to whose budget is charged for these expenses, our opinion would be that this would be a determination that should be made by the Board of Supervisors. Certainly the Sheriff's office would be one proper place for this budgetary inclusion. Also, whatever budget presently is set up and charged for the treatment of the indigent ill through the county hospital would be a proper place for this charge.

In writing this opinion, we have assumed that the people who would receive the treatment from the Coconino Community Guidance Clinic are indigent, being confined in jail, and the county's authority to pay these charges would be conditioned upon this indigency. It would go without saying, therefore, that a non-indigent person receiving these services should be billed for the same, and this fact should be made known to the Coconino Community Guidance Clinic before an arrangement for services is entered into.

Respectfully submitted,



GARY K. NELSON
The Attorney General

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